

ART. V.—THE LAST SEVEN YEARS OF THE LIFE OF
HENRY CLAY.

The Last Seven Years of the Life of Henry Clay. By CALVIN COLTON, LL. D., Professor of Public Economy, Trinity College, [Hartford, Connecticut.] New York: Published by A. S. Barnes & Co., 51 and 53 John Street. 1856.

THE author of this book has been long and favorably known to the best part of the reading public by his writings on various and widely different subjects. Without being liable to the imputation of *versatility* of genius or taste, his literary works have been *diversified* as well as numerous. So much the better for the task which he took in hand when he began the work now before us,—and which he has faithfully executed, not only to the best of his unquestioned ability, but to the full extent of the capability of his subject. Sincere and earnest in his efforts to ascertain the truth, industrious and patient in his investigations of it, he has been proportionally successful in the expression of it on this occasion. He came to this enterprise, in the possession of extraordinary advantages and opportunities well improved. His personal knowledge of many of the events which he narrates, and his intimate association with those who performed the greatest parts in these transactions, have fitted him to make this volume what it is—a valuable contribution to our contemporaneous political history, and one quite essential to the completeness and the preservation of our knowledge of the times and of the country in which we live, and have lived. He has herein furnished important materials to the future historian of the events of this age. As a simple and faithful analyst, he could have done that. He has done much more, in the unconscious fidelity with which he has in this, (and preceding works constituting a series of which this is a necessary part and the proper conclusion,) both represented and exemplified the impassioned admiration and devoted affection which that extraordinary man so widely and deeply inspired.

Such partiality, far from impairing, enhances the value of this historic testimony. The author's fidelity and competency being conceded, he instructs by sure facts, which he illustrates by inferences and comments, also instructive and interesting, though they cannot and will not be adopted by *all* his most intelligent readers.

HENRY CLAY possessed and exercised an influence over not only the opinions but the affections of his countrymen, difficult to explain even now,—and likely to be more difficult, perhaps puzzling, to those who may read or write of these things thirty years hence, if a sufficient interest in them prevail so long. His influence, for good and evil, was great, and was energetically, effectively exerted, in both directions, on the men, especially on the young and patriotically hopeful men, of his time. The manifest purpose and confessed object of this volume is—not only the eulogization of Mr. Clay,—but a defense of his conduct in public affairs during the last seven years of his life—a defense of what has not been attacked, and which no one has cared about enough to feel provoked to make an attack on it.

Our case is not wholly and exactly parallel to that of the Lacedæmonian who was invited to hear the delivery of a panegyric on Hercules, and who in reply, exclaimed—“On *Hercules*! Why? Who ever thought of *blaming* Hercules?” The gross animal preëminence of the semi-fabulous personification of classic or barbarous heroism was nearer to the Spartan’s beau-ideal of human perfection than Henry Clay is to what the intelligent portion of his countrymen would regard as a model of wisdom and goodness, or to their standard of attainable excellence in statesmanship and policy. But the inquiry now naturally suggested, on the presentation of this bulky and elaborate defense of Mr. Clay’s supplementary course as a politician after what was justly deemed the close of his public and official career, is—Who has published or uttered anything in condemnation or censure of the man since his death? His foes having not only ceased to denounce him but actually contradicted and very generally retracted their former abuse, why not leave the disputable points of the latest portions of his history to the willingly charitable judgments or silence of his countrymen, both of the present and following generations? No man ever had a more liberal allowance of praise while alive and immediately after death; and in view of that, it is not very wise or well-timed to force upon public notice a vindicatory biography of him, demanding criticism, as this certainly does. Mr. Clay’s friends have enjoyed unbounded and unchecked license in their posthumous commendations and eulogies of him, it being of course understood that the interests of his country and the characters of his survivors should not be unjustly sacrificed to give an unnatural splendor to the already profuse and extravagant honors rendered to the unquestionably illustrious dead. Justice to the living, and the establishment of the truth of his-

tory require of us an examination of such opinions and comments on facts in Mr. Clay's history, as are set forth in this volume.

The first chapter begins with a "Retrospect" of some of the events of 1844, and refers to the accomplishment of Mr. Clay's predictions as to the annexation of Texas and the consequences of that act. It gives also a minutely detailed description of the complimentary visit to Ashland by the Kentucky Presidential electors of that year, immediately after casting their votes for Clay and Frelinghuysen. The account of the interview forcibly suggests two reflections. How deeply that sad defeat impressed the hearts of Mr. Clay's patriotic friends with sympathy for his personal disappointment in view of the humiliating prostration of the over-confident hopes with which he and they had looked forward to the anticipated triumph! And how willingly, under the influence of that sympathy, they forgot or overlooked, at the time, the very large and essential part he himself had borne in the production of the result! And this kindly oblivious feeling was simultaneously prevalent among those who most deplored the consequences of his egregious folly, all over the Union. There was not one sensible, observant man among them all, who could not trace the defeat of Mr. Clay and the Whig party to the natural and necessary influence of the idly discursive and exceedingly silly letters written by him for publication during the summer and autumn of that year,—written in contemptuous disregard of the unanimous and urgent expostulations of those who were then disinterestedly lavishing their labor, time and means for his election. In the final result, it became evident that a change of about 2600 votes from the successful candidate to him would have given him the electoral ballots of New York, and would have made him PRESIDENT. In the same State, 15,000 votes were thrown away on electors pledged to a hopeless anti-slavery ballot for J. G. Birney. Two-thirds of these (as was proved four years after) could have been secured to a whig slaveholder in the position occupied by Mr. Clay when he received the unanimous nomination of the National Convention at Baltimore, May 1st, 1844. Maine and Indiana were probably as needlessly lost by the same unparalleled and inexcusable folly. Even Mr. Clay himself would have been compelled to admit this, if any person had been cruel enough to extort from him *then* any opinion on the point. His letters to Alabama and Georgia on Texas-annexation and the tariff, wholly unnecessary as they were for the information of any one as to his views on those subjects, although they did not absolutely contradict the plain declarations previously made by

him, were yet so apologetic and equivocal in their tone as to furnish his opponents in the Northern states with new and irresistible weapons against him. It was thus that he encouraged and delighted his enemies, while he chilled the hearts and benumbed the zeal and energies of his friends.

Much of that affectionate obliviousness of these and many other injurious errors of Mr. Clay, was the consequence of the saddened feelings with which his most devoted admirers and disinterested defenders regarded him, at the time of what they justly deemed his final as well as total defeat. To brighten that defeat and to cheer him under that disappointment, with more than the honors of success, was "a labor of love" with them. The catalogue and partial detail of them fills many pages of this work. The golden vase from the artisans of New York, the silver-mounted scroll containing the farewell address of the New York Clay Clubs, the contributions of some tens of thousands of dollars by his New York friends for the payment of his debts, with many other heart-free tributes to his still-acknowledged excellences, are mentioned and described by his biographer.

But the much-respected author of the work before us, writing—not history, but eulogy—has ignored the great facts underlying his careful narrative of these demonstrations. His last volume is, throughout, an *apology* for the last seven years of Henry Clay's life. Probably, no man could have done it better.

Many pages of this volume are devoted to an account of the events and proceedings which caused the nomination and election of Zachary Taylor to the Presidency, in 1848,—four years after the time when Henry Clay had willfully and wantonly thrown away the advantages given him by a unanimous nomination from the National Whig Convention. The same pages contain an implied and undisguised attack on those who promoted or favored Taylor's nomination and election,—Mr. Clay being the principal opposing claimant of the same honors. If the nomination of Zachary Taylor was wrong, either as to expediency, or justice and propriety, we are guiltless. Those whose opinions or action we may represent "in this connection," are equally so. There were those who did their utmost (and that was not little) to secure Mr. Clay's nomination in 1848, because they knew that he *wished* for it, and because they knew that he could be elected to the place which he had openly sought for more than twenty-eight years. From the moment when they clearly understood that Mr. Clay was a candidate, or willing to be such, they "went in for him, heart

and soul,"—as he warmly acknowledged,—by word of mouth and grasp of hand, as well as by pen, ink and paper. There were others, who, being made to understand quite clearly, in 1845 and in the beginning of 1846, that Mr. Clay was no longer a candidate, and was looking forward cheerfully to a bright and calm old age, and a quiet though not unhonored grave in or near Ashland, were looking for some new man with whom, and in and by whom, that same old Whig party and cause might triumph. Among these we name, for instance, John James Crittenden, John Middleton Clayton, George D. Prentice and John Bell. We can name others, if need be; but these "will do for a sample."

In the midst of these particularly inopportune and inauspicious circumstances, Mr. Clay suddenly presented himself as a candidate for a renomination to the Presidency, in the letter, or proclamation, or decree, published soon after his return home from New York, in the Spring of 1848. He therein signified his wish to be a candidate for a nomination disputed by three eminent competitors, (Taylor, Scott, and Webster,) in the Philadelphia Convention of June, 1848,—four years after having received such a nomination, when no man's name was presented or even suggested to the Convention in opposition to him. He went into that competition, and was thoroughly beaten on the third ballot.

And here let us suggest that our author is essentially mistaken in his talk about the effects of the "military feather," in the commencement of Chapter IV, (page 89,) attributing the action of the Whig party, in nominating General Taylor, to the mere influence of the disputed military reputation which he acquired by his successes at Palo Alto, Resaca de la Palma, Monterey and Buena Vista. Those events made him known, as an honest, modest, unpretending man of plain common sense, great simplicity of character, and indomitable courage,—conscientious in doing his duty to the government and the country, in all his official relations. The people rejoiced in his successes, and were naturally grateful to him for the glory therefrom resulting and accruing to them and their posterity. The most intelligent portion of the people, disconnected from politics regarded as a trade, very early discovered the peculiar excellences of General Taylor's character as unconsciously displayed by himself in his simple official dispatches, reporting to the Federal Government what had been done in obedience to its orders. Much of that had been done by him successfully and gloriously, notwithstanding the numerous obstacles studiously and continually put in his way by President Polk and Secretary

Marcy, who had the countenance, sympathy, and aid of Messrs. Buchanan and Cass, and their followers, from the first moment when his astonishing victories gave him the renown which made him dangerous to their several and common ambitious purposes. All their meanly envious plots and efforts to cripple him, by delaying or wholly withholding his necessary supplies, and by withdrawing nearly all his regular troops, resulted in forcing him into the desperate battle and matchless triumph of Buena Vista, which placed him wholly above the reach of censure, criticism and cavil. General Taylor was not a great strategist, not a very scientific military man; but he had precisely the qualities and faculties for the remarkable results to which he was providentially conducted. He knew, and so did all intelligent and impartial observers, that from the time when his victories on the Rio Grande made him famous, the managers and supporters of the Federal Government were doing their utmost to insult, harrass, and disgrace him—to deprive him of the means of doing his country further distinguished service, lest he should gain more and still greater glory thereby. For this purpose, Messrs. Polk, Marcy, Buchanan, Cass and their associates, willfully and treasonably aided and comforted the enemy with which this country was at war by the act of these very traitors. They sent General Santa Anna back to Mexico in a United States government ship, and put him in condition to lead against General Taylor, in a few weeks, the largest and most splendid army ever put in the field by Mexico, or by any power on this Continent. We all know that it was their expectation and intention that General Taylor (deprived of his most reliable and favorite veteran troops and officers, in view of this wickedly contrived emergency) should be compelled either to “shut himself up within the blood-stained walls of Monterey,” and fortify himself there against a patriotic foe, powerful to besiege him and insult him even to the city’s gates—or to march out and meet, in open battle, that host, fighting on its own ground, under the ablest commander that ever led a Spanish-American army to conflict and to victory. He chose the latter course—and conquered, against odds of just three to one. The managers of the Federal Government, who had made General Scott their willing tool in this attempt to transfer the war from the Rio Grande and Nueva Leon, to Vera Cruz and the National Road to Puebla and the City of Mexico, had allowed General Taylor’s line of communication to be so completely cut off, that they published their apologies for his defeat (which they had prepared and deemed certain) after he had actually won that great and bloody victory by his own

obstinate courage, and that of his hardy volunteers. He knew that they had designed to disgrace him by defeat or retreat; and he determined to disappoint them or perish with his whole army.

These were the events which led to General Taylor's nomination as a candidate for the Presidency—an honor which he had neither sought nor expected till it was thrust upon him. The Philadelphia Convention, containing many very base men, and largely influenced by very base means and motives, presented him in due form as the regular Whig nominee. It was not until after many of Mr. Clay's best friends had devoted themselves publicly to General Taylor, that the retired statesman of Ashland put himself into the field as a competitor for that nomination. Mr. Clay had no higher claims to the Presidency than his previous presentations for election, and his repeated defeats. Many of his blindly selfish friends urged him to take that unfortunate position again. And when he did so, many others could not find it in their hearts to refuse him another effort to place him where they had so long hoped to see him. They had no great objections to General Taylor, and were willing to aid in his election, if they could not succeed in renominating their old and favorite candidate. They knew that Taylor was honest and conscientious; they believed him capable. He had been, to the last, steadily opposed to the annexation of Texas—that opposition being based on constitutional grounds. He was also opposed to the extension of slavery to new territory. So they believed; and so his official conduct, to the day of his death, subsequently proved beyond dispute.

Mr. Clay's whole conduct, in connection with that Presidential nomination and election, is wholly and most deplorably incapable of defense; and his biographer has done no service to the reputation of the man, in calling public attention again to these painful facts. He has vindicated the truth of history in an unintentional way, but at the expense of his hero. For Henry Clay has at last become a mere matter of history—no longer convertible to the purposes of partisan friends or partisan foes.

The recall to public animadversion of Mr. Clay's unwise course, in opposition to the administration of President Taylor, is equally unfortunate. Mr. Clay, considering himself deeply wronged by the nominating Convention, came forth from private life, and, in March, 1849, returned to the Senate, from which he had retired, with the pathetic solemnities of an eternal farewell, in April, 1843. His new senatorial term com-

menced simultaneously with the inauguration of President Taylor; and it was manifest, even before he took his seat or went to Washington, that he was influenced by unfriendly feeling towards his successful competitor, by jealousy of the President's high place in the respect, confidence, and affections of the people, and seemingly by mortified vanity, if not by envy of the marvelous good fortune by which he had attained, almost without seeking or attempting it, the high official station which had been the object of fruitless lifelong struggles and schemes to half a dozen eminent statesmen who, with the whole nation, were hardly informed of his existence, four years previously. It was not in Henry Clay's nature to remain in quiet retirement under the provocation of such feelings and circumstances.

The public mind, immediately after the Presidential election, had settled down into a very happy tranquillity and a complete unconsciousness of any cause for renewed disturbance. The Wilmot Proviso had been almost unanimously adopted by the Legislature of every Northern state, except Illinois; and the South had been compelled, by the necessity of the case, to a hopeless submission, not only to this but to other strong Anti-Slavery measures in the same quarter. California was about to apply for admission into the Union, with a constitution prohibiting slavery, and was likely to be received with as little opposition as was encountered by Wisconsin and Iowa. The new territories acquired from Mexico were free from slavery, and under the operation of existing law must remain so. There were no movements in the South for secession, nor threats of disunion, except, of course, in South Carolina and Georgia, where such complaints are chronic, and endemic, and harmless—merely furnishing matter of ridicule and amusement to the newspapers in other parts of the Union. The slave-breeders and slave-traders could look to no part of the territories of the United States for a new market. The consolidated force of the free states was too overwhelming to permit the idea of a successful resistance to such an established order of things.

It was then that Mr. Clay made his ill-omened re-appearance on the political stage, to break the calm by wanton, needless and mischievous agitation, and to encourage the slave-holders to pretensions which they could not otherwise have been induced to make. Our author has entirely overlooked some of Mr. Clay's most remarkable proceedings about the time of his election to his last, *mortal*, Senatorial term. His presentation of himself before the Kentucky Legislature, his reception by

unanimous vote, his elaborate speech to them, vilely abusing the Whig party for maintaining what they always avowed throughout the Union—his violent denunciation of them as an *Abolition* party for adhering to his and their old opinions or professions—are wholly unnoticed in this courteous *apology* for those unfortunate “last seven years of the life of Henry Clay.”

On his journey to Washington, Mr. Clay also availed himself of every opportunity to make clamorous and startling appeals to casual assemblies collected in compliment or welcome to him, or out of mere idle curiosity to see and hear a man long so conspicuous and famous. He surprised and alarmed his auditors by telling them of great and before unheard-of dangers threatening the peace and perpetuity of the Union. His speech at Baltimore, on this occasion, was a particularly offensive demonstration of that sort; and on his arrival at Washington, he was quiet in his Senatorial chair only while awaiting an opportunity to attack the Administration of President Taylor, as soon as its friends made the first movement in favor of a quiet settlement of affairs by urging the immediate admission of California.

In January, 1850, he introduced into the Senate his prolix, multifarious, useless, and mischievous Compromise resolutions, which, after a six months debate, were DEFEATED, with the three bills subsequently reported, designed, and drawn by him, to carry out the Compromise principle. But for Mr. Clay's overbearing, meddling interposition, California would have been admitted a free State immediately, by a large majority of both Houses of Congress, with the cordial approval of a slaveholding President, who was urgent and impatient for the adoption of the measure. The whole proper business of Congress was deferred half a year, while Henry Clay was using his influence with his personal friends and old partisans everywhere, to stir up local dissension throughout the free states, and to embolden the South to invent claims and get up pretensions which even the outrageous impudence of South Carolina had never conceived before. The whole country, before perfectly quiet, was put in a universal turmoil. The North was called upon to make new concessions which the South had never thought of demanding till Mr. Clay suggested them. A new and more stringent fugitive-slave-law was a thing not asked until he proposed it. The State of Texas, by the terms of its admission, was solemnly pledged to pay its own debts, without recourse to the Federal Government, and was guaranteed the absolute possession of all the many millions of acres of land within its boundaries, as undoubtedly more than sufficient to

satisfy every just claim against it; and that State did not even ask Congress to make any further provision. As for any Texan claim on New Mexico, it had long ago been not only refuted but discarded as untenable and absolutely preposterous. Senator Benton's exposition of its utter and ridiculous baselessness (in the great debate on Tyler's Texan treaty, in 1844) was complete and unanswerable, and remains without an attempt made to answer it, even to this day. The Territory of Utah was said to require a proper organization of a government by Act of Congress, on account of its anomalous condition under the spiritual and secular despotism of Brigham Young. If so, that should have been done immediately; and so it would have been immediately, but for Mr. Clay's insisting that his propositions about slavery should be settled first. The Act for its Territorial organization was finally passed. *And in what particular has the government or condition of that miserable country been changed thereby?* Yet Mr. Clay would not consent that the State of California should be admitted until the Mormon territory had been regulated by Congress.

The territorial governments of both Utah and New Mexico were matters of no immediate importance, easy enough to be provided in good time without reference to any other legislative measure, and had no need to be entangled with the affairs of California, Texas, and the District of Columbia. The arrest of fugitive slaves, and the abolition of slavery and the slave-trade at the seat of the Federal Government, were also perfectly independent subjects, having no more connection with California and its application for recognition as one of the states of the Union, than it could have had with the question of the admission of Michigan in 1836-7. All these were matters that might have remained as they were until this time without any notable excitement of the public mind, and could have been settled singly in their proper turn, but for Mr. Clay's unjustifiable determination to complicate these heterogeneous questions into an inextricable confusion, and to raise sectional clamors in all quarters so as to create the greatest possible uproar, that he might obtain the glory of subduing and calming the hurly-burly by a *compromise*. Favorite and fatal word, with the ever ambitious and never successful Kentuckian! A compromise between expediency and in expediency—between right and wrong—between light and darkness, a sort of twilight unsuited to the vision of eagle and owl alike—was the idea apparently always uppermost in his mind. He delighted “by his art to put the waters in a roar,” that he might vainly try by some spell to “allay them.” Of those

measures so entitled, with which his name was associated, there was not one that did not require an unwarrantable and needless surrender to insolent aggression and desperate rapacity. In every instance, there was a sacrifice of liberty to tyranny, of natural justice or of constitutional right and duty to avowed treason.

In this case, when Senators Pearce of Maryland and Bell of Tennessee, with other patriotic men of the South, earnestly aided the President's efforts to put an end to the whole trouble by the prompt admission of California, he allied himself with such men as the infamous Henry S. Foote, of Mississippi, the traitor Arnold Douglas, the dough-faced Cass, and Mason of Virginia, author of the abominable fugitive-slave act,—to encourage the ultra pro-slavery men in their resistance and aggression.

His six months of agitation were unsuccessful and fruitless, as far as concerned any personal triumph on his part. The death of the upright and patriotic, though simple-minded President, and the succession of a cold-blooded, short-sighted and thick-headed renegade from Anti-Slavery, resulted in such an exercise of Executive influence and patronage as secured the final enactment of the worst measures proposed by Mr. Clay—the fugitive-slave-law and the unexpected, unsolicited donation of \$10,000,000 to Texas.

It is now known and undisputed, that to these closing movements of Mr. Clay's political life, are wholly due all the calamities that have since befallen the Union, *all* the subsequent encroachments of the merciless and sleepless slaveholding power upon the sacred domain of Freedom,—upon soil solemnly guaranteed to Freedom by that same power, in 1787 and in 1820. If the South (which but for that causeless and needless action of Henry Clay, would not have dared to hope for another concession) had lacked the encouragement thus given by the North, through Mr. Clay's much-abused influence over the unreasoning portion of his long-devoted friends here,—the slavery-clause would not have been inserted in the Kansas-Nebraska bill. The Act itself contains the testimony that the Missouri compromise, as far as it forbade slavery *north of 36° 30'*, was rendered inoperative, and was virtually repealed by the *new* compromise (i. e. concession to slavery) of which Mr. Clay is in this book claimed to be the originator. But the author also claims, and reasonably, that Mr. Clay did not expect this result of the labors which hurried his unfortunate life to its *untimely* close. That, however, does not diminish the accountability of such a man for such results of his conduct. The conceded fact

that Mr. Clay did *not* foresee these natural consequences of his last fatal interference in public affairs, simply and clearly shows that he was not the far-sighted and sagacious statesman that his biographer and earnest apologist honestly imagines and represents him to have been. That such would, and must, be the consequence of this last of all possible "compromises," was plainly seen then, by some of Mr. Clay's best and most self-sacrificing friends. That it *was* the actual consequence is as plain now as the fact that the year 1854 followed the year 1850.

HENRY CLAY died at seventeen minutes after eleven o'clock, A. M., on the 29th of June, 1852. He seems to have made an effort to live until after he had received and fully enjoyed the news of the action of the Whig Presidential Convention at Baltimore, a few days previous. After leisurely rumination and hearty digestion of the details of Scott's laboriously obtained nomination and Webster's ignominious rejection, he quietly said, "I AM GOING SOON"—(his very last words, though they are omitted in this book)—and he *went*, soon after uttering them. He went. His dust has returned to the earth as it was—and his spirit to God who gave it. But his name, surviving on the earth, has gone into the domain of history; and his words and deeds have become proper subject-matter of criticism. It is now "in order" to imagine and infer his *motives*. The parliamentary rules are on that point suspended, and are inoperative henceforth forever.

It is true that

The evil which men do, lives after them,—
[while] The good is oft interred with their bones.
So let it

not be with HENRY CLAY. So it has not been hitherto—as far as the eulogies of the open enemies who belied him while he lived, and of the false friends who betrayed him, and the weak friends who flattered and encouraged him then to evil—can effect anything. But the inexorable justice of history cannot be biased by such formal or natural testimonials; nor will it take them into account even in mitigation of sentence.

Mr. Clay saw in the action of that Presidential Convention, that his envious rival and most malignant enemy, who for twenty years had pertinaciously operated to prevent his nomination, and his election when nominated—DANIEL WEBSTER—who emulously plunged headlong after Clay into the black gulf of compromise, had at last received his final political doom to hopeless, perpetual exclusion from the same great office which had been to each of them the *ignis fatuus* of a long, devious

and fruitless pursuit. He saw the mortal shaft speed to the breast of his spiteful and disappointed foe, and could not much miscalculate its effect. *Haeret lethalis arundo*. Four months passed; and Webster, unable either to bear or conceal the agony of his mortification and despair, followed his great and nobler antagonist to the grave. The next week saw Scott undergo a defeat whose humiliating completeness was foreseen with absolute certainty, and announced with perfect exactness of vote, after his ridiculous nomination and before Mr. Clay's death,—brief as was that interval.

The personal ambition of these three men, their competition with each other for the Presidency, the quarrels continually occurring among their partisans, the impatience of each to attain the one great object, and the constant efforts of the two latter to supplant the former—conspired to keep the most intelligent and respectable portion of the American people for the greater part of a generation under the feet of the vilest mass of ignorance and wickedness that ever ruled under the name of Democracy. How many fruitless days and years of zealous and painful labor were sacrificed—how many hopes were kindled and disappointed—how many lives were wasted and shortened in the mighty conflicts which agitated the nation, and which all resulted so unfortunately to the whole Union, in consequence of the selfish ambition and foolish management of these three old men, and about a dozen more, equally selfish and foolish!

In the light of the present, we may defy the partisans of each and all of them to show that the world or any part of it was ever any better for either of them having lived in it.

It is quite clear that neither of them deserved success in that life-long effort to obtain the Federal Chief Magistracy,—inasmuch as the errors and follies of all three were the effective and sufficient causes of their defeat and of the disappointment of a multitude of men, not less patriotic, and far more disinterested and meritorious.

There is no justice or propriety in blaming the American people for the ill success of Mr. Clay, his competitors and associates in those great public efforts. Living, dying, and dead, he has been the recipient of honors and favors never offered to any other politician of his own or any other land or time. The people of this country (especially that portion of them justly claiming a large majority of the intelligence and respectability) have made themselves positively ridiculous in the eyes of all the rest of mankind, by their lavish bestowal of honor and extravagant laudation on their most prominent public men during the last thirty or forty years. And, what is the more remarkable and still more discreditable,—there has never

been one of all those who have been the subjects of this enormous ante-humous eulogization that has not, most evidently, been spoiled by it and puffed up into a preposterous over-estimate of his own merits, powers, and prospects.

That generation of (temporarily) great men has very nearly passed away. Let it be hoped that those who are, or may be, succeeding to their places will avoid, if possible, the manifest errors common to the whole group,—learning therefrom how little solid or permanent value these exaggerated public compliments really have. And it is also to be hoped that the rising and risen generation of the people may be induced to be more sparing of a commendation which has now become so cheap and vulgar, and such a matter of mere form, as to render both giver and receiver objects of suspicion, if not of contempt. A people so given to exaggerated praise are in some danger of being thought quite deficient in proper self-respect, and miserably faulty in judgment. The proper regulation of public affairs in this country, and the right administration of the Federal and State Governments, do not require any very high order of genius, or great brilliancy of talent. Thoroughly honest men of good quiet common sense, sound judgment, and steady industry, wholly under the influence of a conscientious regard for duty—are the great want of this people and their government. For fluent orators and voluminous writers, there can be no great demand now, and for a long time to come.

But, a single instance of a public man elevated to high station, and honored with the applause of the nation, without betraying great vanity, this age has not seen in this country. That place remains open to a future President of the United States.

The author of the book before us—after a very protracted and laboriously minute account of Mr. Clay's long funeral, and the various public performances of many insignificant men, who sought to give themselves importance thereby,—finishes his work with a "Resumé of the life and character of Henry Clay,"—in which, of course, he demonstrates, to his own satisfaction, that Mr. Clay was always in the right, and that if he ever had been in the wrong, it would have been perfectly proper for him to be so. He notices nothing wrong in Mr. Clay's entering the United States Senate, and taking the oath to support and defend the Constitution of the United States, which he violated in the very act of taking his seat before he was thirty years of age. According to Mr. Clay's own account, he was not thirty years old until thirty-nine days after the expiration of the period of his first Senatorial service. No apology or pal-

liation can be offered for this wholly indefensible act; and yet the book has not one word in condemnation or censure of it. Mr. Clay urged President Madison and Congress into the war of 1812, and afterwards helped to make a treaty of peace that did not secure one of the objects of the war. He made a speech against the chartering of a United States Bank, in 1811, and made a speech in favor of the same thing in 1816. He was opposed to a Navy in Mr. Jefferson's time, and was actively in favor of building a Navy after he had urged the country without one into a war with a power that was then without a rival on the seas. He advocated the recognition of the Independence of the South American republics and of Greece, which was done in due time; and he deserves credit for the effort, though neither of those countries has ever enjoyed one day of good government or true liberty since. A baser kingdom and people than the Greek, the whole world knows not. Their merciless intolerance and almost universal brigandage show now that they need a sterner master than the Turk.

Mr. Clay was one of the founders and nearly the first and last advocate of the American Colonization Society, whose scheme of benefiting America and Africa, after forty years of vast expenditure of money and life, has resulted in no good to either country, and no improvement in the condition of either race. And this was Mr. Clay's great scheme for the immediate removal of the evils of slavery.

So in 1816, Mr. Clay effectively advocated a high protective Tariff; and in 1820 and 1824 urged the passage of one still more protective. In 1832, after his defeat at the Presidential election of that year, he introduced the bill which by his exertions and influence became the Tariff Compromise Act, by which the protective system was abolished and the duties gradually brought down to the free-trade standard of 20 per centum ad valorem, yielding to the Federal Treasury a revenue of less than \$10,000,000 per annum. Those various operations are all given in evidence of wise statesmanship.

Mr. Clay's acceptance of the appointment of Secretary of State from President John Quincy Adams, though morally right, was grossly impolitic,—and was destructive of all the immediate personal interests of both. Mr. Clay's term of service in the Department of State brought him no accession of distinction and fame. He should have refused the office, even if the imputations upon Mr. Adams and himself had never been invented by James Buchanan, whose baseness in that affair now stands exposed, not only by those whom he slandered, but by Jackson himself. Had he refused it, the lie would have been stifled in the slanderer's throat.

Then there was Mr. Clay's studiously prepared anti-abolition speech in the Senate, (made under the advice of those *judicious* Northern friends who were generally his chosen counselors,) which just exactly lost him the nomination at Harrisburg, in December, 1839.

And besides these, there were the blunders upon blunders of all his later life, which we have already made subject of comment.

The character and history thus presented, cannot be justly styled that of a true statesman or sagacious politician. It is not pretended that he was a scholar or a philosopher in any sense or degree. He was neither wise nor prudent, nor learned, nor witty. He was a bold brave man, of noble impulses and landable ambition, desiring to elevate himself by honorable means. He was a great orator, an eloquent declaimer, a powerful reasoner, though not a finished logician. Over the feelings and affections of others he exercised a wonderful and potent sway: over his own passions and weaknesses he manifested great want of restraining judgment. But with all his defects, mental and moral, without craft or demagogical trick or fawning, or falsehood, he made himself the most beloved and honored and lamented of all the best men of his age and clime.

He inspired in the hearts of millions such zeal in his cause, such affection to his person, such devotion to him in life and death, as were never the joy and glory of any other man in America. His fame is *almost* the greatest marvel of our time. To posterity it will seem the greatest of all. His commanding preëminence above his coevals (among whom were so many that were above him in judgment, in taste, in knowledge of books and men, and his superiors even in *eloquence*) was the irresistible and unpurposed effect of qualities of his nature instinctively perceived and appreciated by multitudes of those who were the hardest to excite by such influences, and who are now, as they were then, unable to explain how he so wrought upon their sympathies, conquered their prejudices, and kindled in them such fiery enthusiasm in his behalf.

That he was passionately and purely a patriot, no one doubts or denies. That he ever sought, or would have ever consented to obtain or enjoy any honor, to the injury of his country, or by the sacrifice of what he believed to be truth or duty,—no one suspects or imagines. Unquestionably, he always desired to be right. Nothing could ever have *frightened* him from being or doing right. Undoubtedly, he sincerely had **RATHER BE RIGHT THAN BE PRESIDENT.** It was a great misfortune to be neither,—after trying so long and so hard to be both.

Then, let none emulate his fame or seek to follow in his devious though so often upward footsteps, without superior power over the common weaknesses of human nature, and without a sure and singular exemption from the faults which are almost uniformly associated with the qualities that win such strong admiration and personal attachment, such deep and lasting devotion. Notwithstanding his uniform ill success in his personal aims and patriotic enterprises, he has "made his mark on his time," and has imprinted much of his impassioned, hopefully patriotic spirit on the characters of the best of his countrymen in the generation now following.

The very name of HENRY CLAY will long possess that magic and spirit-kindling influence which (as *we* know by his own sincere confession) was a wonder even to himself. Its vindictive energy is working at this moment, unnoticed by heedless and heartless politicians, to accomplish the defeat and disgrace of the meanest of his many cowardly slanderers.

Gone though he is to his dread account, he "has left behind powers that will work for him." For many yet live and labor who said to him, when they believed that his political course was finished,

"The monumental marble will be cold in its testimonials of your greatness and renown; but our glowing spirits and burning words shall bear you better, *warmer* witness. The granite shall sooner moulder than these living memorials shall fail; for the hearts in which our blood will beat, shall swell and thrill in other ages at the utterance of your name, with emotions of gratitude and affection derived with life from us, and continued while any remain—worthy of America and liberty."

Pres. 1870-1877 Yale

ART. VI.—RECENT ASPECTS OF INTERNATIONAL LAW.

Treaty of Paris, signed March 30, 1856.

Mr. Marcy's Letters to Mr. Seibels and Count de Sartiges.

Published in the National Intelligencer, September 16, 1855.

THE peace of Paris, concluded in March last, between the leading powers of Europe, not only put an end to a very serious and threatening war, but was made also the occasion for settling—as far as the parties to the peace were concerned—some important principles in international law. To this newest aspect of the law of nations, and if our limits will permit, to some other of the more recent evidences of progress in this science, we invite our readers' attention for a few moments.

In the body of the treaty we find a stipulation in regard to the use of the Danube for the purposes of navigation, which calls for a few remarks.

It would seem clear, according to natural justice, that if the mouth of a navigable river lies in one state, and its upper waters in another, the latter nation ought to have the right of free passage to the sea. The importance of human intercourse to the improvement of the whole world is so great, that it is pointed out in divine providence as a part of God's economy for mankind. A nation may indeed decide to live within itself, and make no exchanges with foreigners ; but to cut off a nation from such intercourse, when it is ready to give all proper guarantees not to disturb the quiet or safety of another state in its transit, and to pay all fair expenses, seems contrary not only to the law of benevolence, but to the law of justice. And these principles are eminently applicable in the case of rivers, which are made and filled by no mortal hands, which are God's canals, not merely to drain the more elevated country, but to bear merchandise between these inland districts and the ocean.

But international law has not hitherto conceded the full right of using such streams to nations living on their upper waters. There has been an imperfect right, it is said, in the case ; that is, benevolence demands that it should be conceded ; but the right cannot be enforced, nor is its refusal just ground for war.

